

Vanessa R. Waldref  
United States Attorney  
Eastern District of Washington  
Michael J. Ellis  
Assistant United States Attorney  
Post Office Box 1494  
Spokane, Washington 99210-1494  
Telephone: (509) 353-2767

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

**UNITED STATES OF AMERICA,**

**Plaintiff,**

V.

NASH M. TEAL,

**Defendant.**

Case No. 2:21-CR-00078-TOR

## GOVERNMENT'S SENTENCING MEMORANDUM

Plaintiff, United States of America, by and through Vanessa R. Waldref, United States Attorney for the Eastern District of Washington, and Michael J. Ellis, Assistant United States Attorney for the Eastern District of Washington, submits the following sentencing memorandum.

## I. BACKGROUND

The Government agrees with the Offense Conduct summary outlined in paragraphs eight through fourteen of the Presentence Investigation Report. *See* ECF No. 35 at 4–5. The Defendant, having absconded from supervised release, was found to be in possession of over fifty Fentanyl laced pills that the Defendant intended to distribute to other persons within the Eastern District of Washington.

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1           **II. SENTENCING CALCULATIONS**

2           **A. Base Offense Level & Enhancements**

3           The Government, having reviewed the Presentence Investigation Report, agrees  
4 that the Base Offense Level is sixteen (16) when considering all of the substances  
5 possessed by the Defendant. *See id.* at 5–6. Neither the Government nor the Defendant  
6 have objected to the Presentence Investigation Report’s calculation. *See* ECF Nos. 33  
7 & 34. The parties also agree that the Defendant merits a three (3) level reduction for  
8 acceptance of responsibility under USSG §3E1.1(a) and (b).

9           **B. Departures**

10          The Government is not seeking an upward departure in this matter. A  
11 downward departure is not warranted for the reasons discussed below.

12          **III. SENTENCING FACTORS UNDER 18 U.S.C. § 3553(a)**

13          In determining the appropriate sentence, this Court should consider the factors  
14 as set forth in 18 U.S.C. § 3553(a).

15          A. The nature and circumstances of the offense and the history and  
16 characteristics of the Defendant

17          The nature and characteristics of the Defendant’s conduct justify a sentence of  
18 thirty-three (33) months imprisonment, with credit for time served since the  
19 Defendant’s arrest on February 5, 2021. The Government recommends that this  
20 sentence be run concurrently to the eighteen (18) month sentence imposed following  
21 the revocation of the Defendant’s supervised release in Case No. 2:14-CR-00104-  
22 TOR. *See* ECF No. 142 (2:14-CR-00104-TOR).

23          The Defendant’s ongoing criminal behavior over the past eight years is  
24 unacceptable and presents an ongoing threat to the community in Eastern Washington.  
25 Since the Defendant’s sentencing hearing for being a felon in possession of  
26 ammunition on December 4, 2014, the Defendant has repeatedly committed new  
27 offenses which include criminal mischief with a deadly weapon and the drug  
28 trafficking offense in this Indictment. *See* ECF No. 35 at 12–13. The Defendant’s

1 noncompliance has resulted in his repeated incarceration, to include four separate  
 2 revocations of his prior term of supervised release. *See id.* at 12. The Defendant's  
 3 most recent transgression – attempting to distribute Fentanyl, an extremely dangerous  
 4 controlled substance, in Eastern Washington – is the latest in a long line of misdeeds  
 5 that demonstrates the Defendant's lack of respect for both the law and the community.

6       The Defendant's conduct has not been previously addressed, as the alleged  
 7 violations of supervised release concerning the Defendant's drug possession were  
 8 ultimately dismissed by the Court. *See ECF No. 141 (2:14-CR-00104-TOR).* The  
 9 Defendant's eighteen (18) month sentence followed the Defendant's noncompliance  
 10 in other areas, ranging from failing to report to the Residential Re-Entry Center to  
 11 using alcohol. *See ECF No. 142 (2:14-CR-00104-TOR).*

12       A thirty-three (33) month sentence, with credit for time served dating to the  
 13 Defendant's arrest, is appropriate. The Court should also impose a three (3) year term  
 14 of supervised release, in order to both provide the Defendant opportunities for  
 15 rehabilitation and reintegration into the community while protecting the community  
 16 from continued potentially dangerous behavior.

17       B. The need for the sentence imposed to reflect the seriousness of the offense,  
 18                   promote respect for the law, and to provide just punishment

19       The Government asks that the Court sentence the Defendant as described  
 20 above. Considering the nature of the offense and the Defendant's history, the proposed  
 21 sentence is appropriate to reflect the seriousness of the conduct, promote respect for  
 22 the law, and provide just punishment.

23       C. The need for the sentence imposed to afford adequate deterrence to criminal  
 24                   conduct

25       As discussed above, a thirty-three (33) month sentence will hopefully deter  
 26 future violations of law by the Defendant.

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1           D. The need for the sentence imposed to protect the public from further crimes  
2           of the Defendant

3           As discussed above, a thirty-three-month (33) sentence will protect the public  
4           from future crimes by removing the Defendant from the community for a period of  
5           time.

6           E. The need for the sentence imposed to provide the Defendant with needed  
7           educational or vocational training, medical care, or other correctional  
8           treatment in the most effective manner

9           The Defendant's behavior appears to be motivated, at least in part, by substance  
10          abuse issues. The Defendant, while incarcerated and on supervised release, may have  
11          opportunities to address those underlying concerns through treatment.

12           F. The kinds of sentences available

13           The Court may sentence the Defendant to up to twenty years in prison, a fine of  
14          up to \$1,000,000, and three years of supervised release.

15           G. The kind of sentence contemplated by the Sentencing Guidelines

16           The Sentencing Guidelines contemplate a term of imprisonment or probation.

17           H. Any pertinent policy statements issued by the Sentencing Commission

18           There are no pertinent policy statements in this case.

19           I. The need to avoid unwarranted sentence disparity among defendants with  
20           similar records who have been found guilty of similar conduct

21           A guideline sentence would avoid unwarranted sentence disparities.

22           J. The need to provide restitution to any victims of the offense

23           There is no restitution contemplated in this matter.

24           **IV. GOVERNMENT'S SENTENCING RECOMMENDATION**

25           The Government recommends that the Court impose a thirty-three (33) month  
26          sentence of imprisonment with credit for time served dating to the Defendant's arrest  
27          on February 5, 2021. The Government recommends that this sentence be run  
28          concurrently with the Defendant's eighteen (18) month sentence following the

revocation of his prior term of supervised release. Finally, the Government recommends that the Defendant be placed on three (3) years of supervised release. Such a sentence is sufficient, but not greater than necessary, to accomplish the purposes outlined in 18 U.S.C. § 3553(a).

Dated: February 1, 2022.

Vanessa R. Waldref  
United States Attorney

s/Michael J. Ellis  
Michael J. Ellis  
Assistant United States Attorney

1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on February 1, 2022, I electronically filed the foregoing  
3 with the Clerk of the Court using the CM/ECF System which will send notification of  
4 such filing to the following: Lorinda Youngcourt

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7                   *s/ Michael J. Ellis* \_\_\_\_\_  
8                   Michael J. Ellis  
9                   Assistant United States Attorney

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